FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Revision Application No.173 of 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.R.S.Tripathi with Mr.P.P.Prabhu for applicants.

Mr.A.R.Patil, AGP for State.

CORAM : H.L GOKHALE &
SMT.R.S.DALVI, JJ.
DATED : 11th October 2005

P.C. :

1. Heard Mr.Tripathi in support of this Application. The contesting respondent was sent a notice by Registered Post twice. It appears that the respondent was not present and the packet has come back with the postal remarks that when the postman visited, the respondent was not available twice. An affidavit has been filed to that effect.

2. The Application seeks modification of the Consent Terms entered in the Family Court on

20th August 2003. The real grievance appears to be with respect to Clause 3, under which the arrears of maintenance were expected to be cleared. Under Clause 4, monthly maintenance has been permitted.

3. Mr.Tripathi, learned Counsel appearing for the applicants, submits that Clause 3 is erroneously being interpreted to mean that all these arrears are expected to be cleared within two and half years, meaning thereby that they can be cleared at the end of that period. He further submits that such construction is not the correct one and Clauses 3 and 4, when read together, should mean that the respondent ought to pay certain amounts towards the arrears every month. We accept this submission of Mr.Tripathi and clarify that the amounts under Clause 3 are also expected to be

paid every month. The amount comes to around Rs.2466/- per month towards the arrears and by now, the arrears are mounted to around Rs.60,000/-. It will be open to the applicants to take the necessary steps to get these arrears by adopting appropriate proceedings.

4. The Application disposed of with this clarification.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)